



# California Regional Water Quality Control Board

## Santa Ana Region



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
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**Gray Davis**  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov/rwqcb8](http://www.swrcb.ca.gov/rwqcb8).*

November 5, 2002

Mr. William Hvidsten, Senior Counsel  
Environmental Law  
GenCorp  
P. O. Box 537012  
Sacramento, CA 95853-7012

### **NOTICE OF VIOLATION AND RESPONSE TO REQUEST FOR EXTENSION OF DEADLINE TO SUBMIT A WORK PLAN AND CONDUCT PERCHLORATE INVESTIGATION IN THE VICINITY OF THE FORMER AEROJET BUNKERS, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Mr. Hvidsten:

In my letter of September 27, 2002 (Investigation Order), I specified the requirements and deadline for submittal of a work plan by GenCorp (parent company of Aerojet) for an investigation for perchlorate in soil and groundwater in the vicinity of Aerojet's former bunkers in North Rialto. This investigation was required pursuant to Section 13267 of the California Water Code.

You have requested an extension of the deadline for submitting the work plan from October 28, 2002 to November 27, 2002. You stated in your request that the additional time would allow you to complete your investigation of historical records of Aerojet's use of the bunkers, and prepare a written summary and response to the September 27, 2002 Investigation Order. We received your telephone call and extension request by fax on October 28, 2002, the same date that the work plan for investigation was required to be submitted by GenCorp. We had received no prior communication from GenCorp regarding the deadline and requirements specified in the Investigation Order.

Our staff contacted you by telephone on November 4, 2002. The purpose of that telephone call was: (1) to determine the status of your research and the nature of GenCorp's response to the Investigation Order; and (2) to explain that GenCorp is in violation of the Investigation Order, and may be subject to issuance of an administrative civil liability complaint in the amount of up to \$1,000 per day beyond October 28, 2002, for failure to submit the required work plan. Based on our staff's conversation with you, it is our understanding that GenCorp is in the process of interviewing former Aerojet employees that were involved with the storage of explosives, chemicals, and propellant in the Rialto bunkers. You indicated that your research thus far has not shown evidence of Aerojet's historical use of perchlorate in the bunkers. You further indicated that your response to the Investigation Order would be finalized after conducting two additional interviews of former employees. You offered to provide information to us regarding your

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research, but stated that it was GenCorp's preference to submit a single package with historical records of Aerojet's activities at the former bunker site.

In consideration of the information you provided on November 4, 2002, we request that you complete the two interviews as planned, and submit the information you obtained during your research of historical records as soon as possible. Although GenCorp is in violation of the October 28, 2002 deadline specified in the Investigation Order, we will postpone a determination regarding issuance of an administrative civil liability complaint until we have reviewed your submittal of historical records. Please be advised, however, that GenCorp is currently in violation of the Investigation Order and will remain so until the requirements specified in that Order are satisfied.

As Board staff indicated by telephone, we are willing to meet with you to review and discuss the information you have compiled. Our files and records are also available for your review by appointment with our administrative support staff.

Finally, we remind you that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we have issued, and will continue to issue, Investigation Orders to other suspected perchlorate dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting.

If you have any questions about this letter, please contact Kamron Saremi at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault  
Executive Officer

Enclosure: Inland Empire Perchlorate Regulatory Task Force Mailing List

cc: Regional Board  
Jorge Leon, Office of Chief Counsel, SWRCB  
Inland Empire Perchlorate Regulatory Task Force (mailing list enclosed)  
Chris Conley, GenCorp

AES/Data/SLIC/Rialto perchlorate 01-02/13267/Aerojet extn req

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